

Child Safety Concerns and Reportable Conduct Policy

POL-HRA-010

Public facing? Y

1. Purpose

This policy outlines the principles and practices when responding to incidents, disclosures, and suspicions of child abuse within Box Hill Institute (BHI) and the greater community.

BHI seeks to protect children by ensuring that everyone at BHI:

- understands what types of behaviours or suspicions need to be reported
- is able to identify the indicators of abuse
- is able to identify the different types of child safe incidents and concerns – reportable conduct and child safe concerns
- knows what to do when responding to matters concerning child safety
- knows who to contact when they have formed a reasonable belief that a child or young person has, or is at risk of being abused
- understands their reporting obligations for the purposes of child safety
- is aware of the particular risks to child safety for First Nations' children, culturally and /or linguistically diverse children, and children with a disability.

This policy does not require employees to ascertain whether the alleged incident or disclosure definitely occurred or to manage the incident or disclosure on their own but to assist in ensuring everybody's safety and wellbeing.

2. Scope

This policy applies to:

- BHI Board members, employees, volunteers and contractors
- students under the age of 18 years.
- participants - children and young people under the age of 18 years visiting BHI including those accessing programs that are not formally enrolled as a student.

This Policy extends to:

- all BHI workplaces, including any location, real or virtual, and other locations external to BHI where BHI business is being undertaken
- investigation by BHI of reportable allegations towards employees whether or not the conduct or misconduct is alleged to have occurred within the course of the person's employment.

All employees are required to observe child safe principles and expectations for appropriate behaviour towards, and in the company of children, as outlined in the **Child Safe Code of Conduct**.

This Policy should be read in conjunction with associated policies and does not diminish or replace the requirement to also comply with:

- **Child Safety and Wellbeing Policy**
- **Child Safety Concerns and Reportable Conduct Procedure**
- **Child Safe Code of Conduct**

- **Employee Code of Conduct**
- Code of Conduct for Victorian Public Sector Employees

This document is intended to be read in conjunction with Lakeside Lilydale Child Care Centre child safety policies and procedures.

3. Policy Statement

The safety and wellbeing of students and participants under the age of 18 is prioritised regardless of their enrolment status.

BHI is committed to complying with the Victorian Child Safe Standards and the overarching principles under the Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015 and the National Principles for Child Safe Organisations.

BHI has a ZERO TOLERANCE approach to any form of abuse against a student or participant under the age of 18 by a member of the community or an employee, a student or another child or young person.

In the context of this policy there is no timeframe restricting the reporting of an incident of abuse. A disclosure, allegation or suspicion of an incident of abuse is relevant regardless of the time or date the incident is alleged to have occurred.

If a BHI employee or workplace participant has any concerns regarding the health, safety, or wellbeing of a child, it is important to take immediate action.

BHI differentiate between two unique types of abuse against children and young people.

- Child Safety Concern (Mandatory Reporting)
- Reportable Conduct

BHI employees, volunteers and contractors are obliged to report instances where they witness an incident, receive a disclosure, or form a reasonable belief that a child has, or is at risk of being abused, in accordance with this policy and the **Child Safety Concerns and Reportable Conduct Procedure**.

In the absence of witnessing the abuse, or disclosure of abuse, a BHI employee or workplace participant may form a reasonable belief that a child is being subjected to abuse through a range of indicators.

Both child safety concerns and reportable conduct may be raised with a BHI employee through:

- Disclosure: When a child or young person tells you about an incident or incidents of abuse, that happened to them or that they were directly involved in.
- Allegation: When a child, young person or any other person tells you about an incident or incidents of abuse that happened to someone else or that someone else was directly involved in.
- Suspicion: When you have a reason to suspect an incident or incidents of abuse against a child or young person has occurred, based on observations, instinct, behaviours and indicators.

Evidence is not required to report concerns to authorities. The person making the report must have only formed a reasonable belief.

If a child or young person is at imminent risk of harm or in immediate danger, BHI are required to report the situation directly to the police.

Failure to report may amount to disciplinary action under employee contracts of employment and relevant disciplinary policies and procedures and/or a criminal offence under relevant legislation, including for the failure to disclose and/or the failure to protect.

3.1 Child Safety Concerns (Mandatory Reporting)

A child safety concern (mandatory reporting) arises when an employee develops a concern that a child or young person at risk of or experiencing harm as a result of abuse by a parent or carer, or the parent or carer has not or is unlikely to protect the child from harm.

Mandatory Reporters are required under the Child, Youth and Families Act to report any child safety concern to the Department of Families Fairness and Housing (DFFH) – Child Protection or Victoria Police if they believe on reasonable grounds that a child needs protection. Any other BHI employee should also make a report to the Child Protection or Victoria Police should they become aware or develop a concern in relation to a child or young person.

A child safety concern may be one or more of the following:

- Physical abuse of, or non-accidental or unexplained injury to, a child (mandatory reporters must report)
- A disclosure of sexual abuse by a child or witness, or a combination of factors suggesting the likelihood of sexual abuse – the child exhibiting concerning behaviours e.g. after the child's mother takes on a new partner or where a known or suspected perpetrator has unsupervised contact with the child (mandatory reporters must make a report to child protection)
- Emotional abuse and ill treatment of a child – impacting on the child's stability and healthy development
- Significant neglect, poor care or lack of appropriate supervision – where there is a likelihood of significant harm to the child, or the child's stability and development
- Significant family violence or parental substance misuse, psychiatric illness or intellectual disability – where there is a likelihood of significant harm to the child, or the child's stability and development
- Where a child's actions or behaviour may place them at risk of significant harm and the parents are unwilling, or unable to protect the child
- Where a child appears to have been abandoned, or where the child's parents are dead or incapacitated and no other person is caring properly for the child.

A Child Safety Concern is required to be registered by completing a Health Safety and Wellbeing (HSW) Incident Report (Refer: **Health Safety and Wellbeing Incident Reporting Procedure**).

3.2 Reportable Conduct

Reportable Conduct refers to a concern in relation to a BHI employee, volunteer or contractor's behaviour towards a child or young person connected to BHI or in relation to a child or young person they are connected to outside of BHI, including their own child/ren. Behaviours that are reportable under the Reportable Conduct Scheme include:

- sexual offences (against, with or in the presence of, a child)
- sexual misconduct (against, with or in the presence of, a child)
- physical violence (against, with or in the presence of, a child)
- behaviour that causes significant emotional or psychological harm
- significant neglect.

All reportable conduct allegations must be reported to the Child Safety Officer. The Child Safety Officer in conjunction with the Reportable Conduct Response Group will assess whether the allegation meets the threshold for notification to the Commission for Children and Young People and make the notification as required.

3.3 Obligations

The source of the obligations for BHI employees, volunteers and contractors includes the following:

3.3.1 All employees:

- Employee Code of Conduct;
- *Crimes Act 1985* (Vic);
- Ministerial Order No.870 - Child Safe Standards – Managing the risk of child abuse in schools.

3.3.2 Mandatory reporters:

- *Children, Youth and Families Act 2005 (Vic)*

3.3.3 Chief Executive Officer:

- *Child Wellbeing and Safety Act 2005 (Vic)*

3.4 Investigation of Allegations

If either a child safety concern or reportable conduct allegation is criminal in nature responsibility for investigation sits with Victoria Police – Sexual Offences and Child Abuse Investigation Team (SOCIT).

Child Safety Concern – If the concern meets the threshold for investigation responsibility for the investigation sits with the Department of Fairness, Families and Housing (DFFH) – Child Protection.

Reportable Conduct – It is the responsibility of the Reportable Conduct Response Group to determine whether the allegation meets the threshold for notification to the Commission for Children and Young People. If an investigation is required responsibility for the investigation sits with the Child Safety Officer and Reportable Conduct Response Group.

3.5 Privacy and Confidentiality

Any existing privacy and confidentiality obligations outlined in the Privacy Policy (or relevant legalisation) are superseded by the mandate to report a disclosure, allegation or suspicion of abuse of a child or young person.

It is a requirement under the Children Youth and Families Act 2005 that the identification of the person making the report to Child Protection must not be disclosed by Child Protection.

Any employee or workplace participant required to make a report must never disclose any information about the reportable incident/s or the relevant people to another person removed from the process, for example:

- any colleague who is not a team leader or manager relevant to the process
- a family member or friend removed from BHI
- an employee from another organisation or service who is not relevant to the process.

If required to take a statement during a disclosure of abuse, employees must take comprehensive handwritten notes and maintain copies of handwritten notes to provide to police if an investigation is conducted.

4. Responsibilities

4.1 Chief Executive Officer

The CEO or delegate is mandated under the Children Legislation Amendment (Reportable Conduct) Act 2017 to make a notification to the Victorian Government Reportable Conduct Scheme of any allegation of Reportable Conduct involving a child or young person under the age of 18 and an adult within the organisation.

4.2 Executive Director People, Culture and Transformation

The Executive Director People, Culture and Transformation is responsible for:

- following appropriate reporting process when a concern, allegation or disclosure of child abuse or neglect arises
- ensuring that child safe practices are included in relevant organisational planning processes and documents
- ensuring all employees are aware of:
 - their roles and responsibilities
 - internal child safe policies and procedures

- relevant laws and the organisation's codes of conduct
- following appropriate reporting processes when a concern, allegation or disclosure of child abuse or neglect arises.

4.3 Executive Leadership team members, Faculty Directors, Senior Managers

Executive team members, Faculty Directors, Senior Managers are responsible for:

- following appropriate reporting processes when a concern, allegation or disclosure of child abuse or neglect arises

4.4 Child Safety Officer

The Child Safety Officer is responsible for:

- facilitating the reporting of the findings of relevant reviews to employees and volunteers, community and families and children and young people
- investigating, or referring to external investigator or Authorities (as applicable), any reportable allegations
- promoting Child Safety across all locations

4.5 Employees, volunteers and contractors

Employees, volunteers and contractors are responsible for:

- understanding the signs of child abuse and how to respond to these
- fulfilling their obligations in relation to all child safety policies, procedures and practices
- following appropriate reporting processes when a concern, allegation or disclosure of child abuse or neglect arises
- familiarising themselves with the policies and procedures relevant to child safety
- seek further clarification, support and/or training by contacting their direct supervisor.

5. Context and related documents

5.1. Legislation

- 5.1.1. *Child Wellbeing and Safety Act 2005*
- 5.1.2. *Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015*
- 5.1.3. *Child Safety and Wellbeing Act 2007*
- 5.1.4. *Children, Youth and Families Act 2005*
- 5.1.5. *Crimes Act 1958*
- 5.1.6. *Commission for Children and Young People Act 2012*
- 5.1.7. *Education and Training Reform Act 2006*
- 5.1.8. *Worker Screening Act 2020*
- 5.1.9. *Worker Screening Regulation 2021*
- 5.1.10. *Victorian Teaching Act 2011*
- 5.1.11. *Wrongs Act 1958*
- 5.1.12. *Freedom of Information Act 1982 (Vic)*
- 5.1.13. *Privacy and Data Protection Act 2014 (Vic)*
- 5.1.14. *Occupational Health and Safety Act 2004 (Vic)*
- 5.1.15. *Fair Work Act 2009*

5.2. External

- 5.2.1. National Principles for Child Safe Organisations
- 5.2.2. Child Safe Standards 2022
- 5.2.3. Child Safe Standards and Reportable Conduct Scheme

5.2.4. Victorian Public Sector Code of Conduct

5.3. Internal

- 5.3.1. Employee Code of Conduct
- 5.3.2. Child Safe Code of Conduct
- 5.3.3. Child Safety and Wellbeing Policy
- 5.3.4. Child Safety and Concerns and Reporting Policy
- 5.3.5. Child Safety and Reportable Conduct Procedure
- 5.3.6. Reportable Conduct Work Instruction
- 5.3.7. Worker Screening and Management Policy
- 5.3.8. Working with Children Check Procedure
- 5.3.9. National Police Check Procedure
- 5.3.10. Recruitment and Selection Policy and Procedure
- 5.3.11. Risk Management Policy
- 5.3.12. Academic Quality Assurance Policy
- 5.3.13. Professional Development Policy
- 5.3.14. Employee Complaint/Grievance Policy
- 5.3.15. Diversity & Inclusion Policy
- 5.3.16. Occupational Health and Safety Policy
- 5.3.17. Acceptable Use of ICT Resources Policy
- 5.3.18. Stakeholder Feedback Policy

Student-related policy and procedures

- 5.3.19. Student Code of Conduct
- 5.3.20. Student Conduct Management Policy and Procedure
- 5.3.21. Children at BHI Policy
- 5.3.22. Student Diversity and Equity Policy
- 5.3.23. Complaints Feedback Appeals and Reviews Policy
- 5.3.24. Student Support Policy
- 5.3.25. Student Conduct Management Policy
- 5.3.26. Sexual Assault and Sexual Harassment Policy (SASH)
- 5.3.27. Wurreeker Annual Plan

6. Definitions

Term	Definition
First Nations Child	<p>A person under the age of 18, who:</p> <ul style="list-style-type: none"> • is of Aboriginal or Torres Strait Islander descent • identifies as Aboriginal or Torres Strait Islander • and is accepted as Aboriginal or Torres Strait Islander by an Aboriginal or Torres Strait Islander community.
BHI	Means Box Hill Institute, Centre for Adult Education and wholly owned subsidiaries
Child / Young Person	Any person aged under 18 years of age


Term	Definition
Contractor	A person or firm that undertakes a contract to provide materials or services to BHI.
Child Abuse	<p>Child abuse is any behaviour that harms or could harm a child or young person. Types include:</p> <ul style="list-style-type: none"> • a sexual offence committed against a child • an offence committed against a child under section 49M(1) of the Crimes Act 1958 (Vic), such as grooming • physical violence against a child • causing serious emotional or psychological harm to a child • serious neglect of a child • exposure to family violence. <p>Children may experience more than one type.</p>
Concerns and complaints	<p>A concern refers to any potential issue that could impact negatively on the safety and wellbeing of children.</p> <p>A complaint is an expression of dissatisfaction to BHI related to one or more of the following:</p> <ul style="list-style-type: none"> • services or dealings with individuals • allegations of abuse or misconduct by an employee, a volunteer or another individual associated with BHI • disclosures of abuse or harm made by a child or young person, or of historic abuse made by an adult • the conduct of a child or young person at BHI towards another child or young person • the inadequate handling of a prior concern • general concerns about the safety of a group of children, young people or activity in which they are engaged or participate in.
Harm	<p>Harm is damage to the health, safety or wellbeing of a child or young person, including as a result of child abuse by adults or the conduct of other children and young people.</p> <p>It includes physical, emotional, sexual and psychological harm.</p> <p>Harm can arise from a single act or event and can also be cumulative, that is, arising as a result of a series of acts or events over a period of time.</p>
Mandatory Reporters	<p>Mandatory Reporting applies to classes of persons who are mandated to report sexual and physical abuse of a child under the age of 16 years.</p> <p>The following are mandatory reporters in Victoria:</p> <ul style="list-style-type: none"> • registered medical practitioners • nurses • midwives • registered teachers and early childhood teachers • school principals • school counsellors • police officers • out of home care workers (excluding voluntary foster and kinship carers) • early childhood workers

Term	Definition
	<ul style="list-style-type: none"> • youth justice workers • registered psychologists • people in religious ministry
Reasonable Belief	A reasonable belief is when a person uses the information they have to decide that it is more likely than not that something has occurred or may occur.
Reportable Conduct Scheme	The Victorian Reportable Conduct Scheme seeks to improve organisational responses to allegations of child abuse and neglect by their workers and volunteers. The scheme is established by the <i>Child Wellbeing and Safety Act 2005</i> (the Act) and overseen by the Commission for Children and Young People as regulator.
Reportable Conduct	<p>Describes specific forms of conduct which must be investigated by BHI and reported to the Commission for Children and Young People by law. There are five types of 'reportable conduct' defined in the <i>Child Wellbeing and Safety Act 2005</i> as:</p> <ul style="list-style-type: none"> • sexual offences (against, with or in the presence of, a child) • sexual misconduct (against, with or in the presence of, a child) • physical violence (against, with or in the presence of, a child) • behaviour that causes significant emotional or psychological harm • significant neglect. <p>Reportable allegations about employees and contractors that relate to their conduct outside of the workplace, and/or historic conduct occurring prior to the scheme's commencement must also be reported and investigated.</p>
Risk	<p>Risk in the context children and young people includes;</p> <ul style="list-style-type: none"> • hazards relating to traditional occupational health and safety management, inclusive of psychological safety, bullying, harassment and sexual harassment etc. It includes the online environment. • hazards relating to institutional features (institutional risk) which consider how the organisation's environment, demographics, workforce profile and culture can create or contribute to the risk of abuse or harm*. <p>*Reference; Commission for Children and Young People</p>
Volunteer	Means work not for profit or gain and includes an unpaid student placement.
Work	Includes paid and unpaid engagement or employment.
Working with Children Card	A card issued pursuant to the <i>Worker Screening Regulations 2021</i> which evidences that the holder has been given an Assessment Notice.
Working with Children Check	A legislative requirement and process of assessment as prescribed in the <i>Worker Screening Act 2020</i> and <i>Worker Screening Regulations 2021</i>


7. Review

This policy must be reviewed no later than one year from the date of endorsement. The policy will remain in force until such time as it has been reviewed and re-approved or rescinded. The policy may be withdrawn or amended as part of continuous improvement prior to the scheduled review date.

8. Originator

Name/Title	Date Endorsed	Signature
Joanne Woodward, Director HR Operations & Business Partnering	06/02/2025	

9. Approval

Name/Title	Date Approved	Signature
Aggie Kost, Executive Director, People, Culture & Transformation	12/03/2025	

10. Document Control and Update History

Version	Date	Amended by	Summary of and reasons for updates
1.0	December 2024	Senior Advisor, Compliance & Assurance	Initial document. Review and ensure alignment to relevant legislative and regulatory requirements and BHI business practices and adopt improved templates.

Is a child-friendly version of this policy required? N

Has a Gender Impact Assessment been done? N